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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92047976
Party	Defendant Sylvester J. Arena
Correspondence Address	Sylvester J. Arena P.O. Box 3570 Paso Robles, CA 93447 UNITED STATES
Submission	Answer
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Signature	/ syl arena /
Date	03/31/2008
Attachments	Hiraga - 080328 response to First Set of Requests for Documents.pdf (43 pages)(152885 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

_____)	In the matter of trademark
Kathleen Hiraga,)	Registration No. 3125129
)	Serial No. 78608724
Petitioner,)	For the mark “Garden Organics”
)	Date filed: April 14, 2005
v.)	Date registered: August 1, 2006 (Supplemental)
)	Cancellation No. 92/047976
Sylvester J. Arena,)	
)	
Respondent,)	
)	
_____)	

ANSWER TO PETITIONER’S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS

Respondent:

Sylvester Arena, an individual
2070 West Highway 46
Paso Robles, California 93446

DOCUMENTS REQUESTED:

1. *All documents identified or requested to be identified by You in answers to Interrogatories.*

RESPONDENT replies that all said documents are incorporated into responses to Interrogatories – with the exception of those documents already in the possession of the Petitioner, namely content of Petitioner's websites and documents filed by Petitioner with USPTO.

2. All documents evidencing or referring to Your creation, selection, or adoption, or decision to use or to establish ownership of, "GARDEN ORGANICS" or any other mark or name incorporating "GARDEN ORGANICS" in whole or in part, including but not limited to documents evidencing the conception and creation of the marks, all drafts of the marks, drafts of rejected designs or marks, source materials, trademark searches, internal memoranda, and analyses.

[Item 1] RESPONDENT is providing a copy of <http://tess2.uspto.gov/bin/showfield?f=doc&state=qjjjk3.2.3> which is a print out for a search on "Dr. Earth" conducted on the Trademark Electronic Search System (TESS) on April 14, 2005.

Respondent also replies that he no other documents in his possession that fit the specifics of this question. Any such drafts and prototypes were discarded after the mark was launched in November, 2003. As a sole proprietor in this matter, Respondent did not utilize methods or create documents that would be typical of a larger, corporate enterprise – such as formal trademark searches, internal memoranda and analyses. Respondent had the entrepreneurial desire to market organic amendments. He recalls that during the fall of 2003, he performed a quick query on the UPSTO website, did a quick search on Google and then designed his mark and packaging.

3. The invoices or other documents that evidence Your date of first use and Your date of first use in interstate or foreign commerce for “GARDEN ORGANICS” for each of the product and/or service categories for which You claim trademark or service mark rights.

[Item 2] RESPONDENT is providing a copy of Invoice #139573, dated December 15, 2003, from Colorgraphics, Inc. (PO Box 51490, Los Angeles, CA 90051-5790). The Petitioner will note that the invoice specifies that CG Job Number 110312/1066 is for the printing of 50,000 copies of the Arena Roses 2004 catalog.

[Item 3] Respondent is providing a copy of the Arena Roses 2004 catalog. Petitioner will note that ‘Garden Organics’ products appear on the back cover. Petitioner will also note that the original design of the ‘Garden Organics’ mark is identical to the current design of the ‘Garden Organics’ mark.

[Item 4] Respondent is providing a copy of Postage Statement filed with the US Postal Service on December 8, 2003 for the mailing of 19,555 catalogs

[Item 5] Respondent is providing a copy of Invoice #5521 from Accurate Mailing Service for list management and handling services for the mailing of 19,555 catalogs on December 8, 2003

4. All documents relating or referring to any application to register or any registration by You of any mark including "GARDEN ORGANICS" in whole or in part, including but not limited to correspondence with the U.S. Patent and Trademark Office, the Secretary of State of any state, or any foreign governmental entity.

[Item 6] RESPONDENT is providing a copy of the documents received on April 14, 2005 from his online session with the UPSTO Trademark/Service Mark Application System (TEAS) that were generated through his online application for the mark.

[Item 7] RESPONDENT is providing a copy of the Office Action dated November 14, 2005

[Item 8] RESPONDENT is providing a copy of the Response to Office Action

[Item 9] RESPONDENT is providing a copy of the Certificate of Registration in the Supplemental Register for the mark 'Garden Organics'

Respondent notes that Petitioner is already in possession of the Petition to Cancel and Respondent's Answer to Petition To Cancel.

5. All fictitious business name statements filed by You with respect to any fictitious name that includes “GARDEN ORGANICS”.

RESPONDENT replies that no fictitious name statements have been filed that include ‘Garden Organics’

6. All documents relating to or referring to any change or alteration in any “GARDEN ORGANICS” mark used or proposed or considered for use by You.

RESPONDENT replies that he has not changed or altered the ‘Garden Organics’ mark since its first use in November, 2003 and, thereby, no such documents exist.

[Item 10] RESPONDENT is providing a copy of the Edmunds’ Roses catalog for spring 2008. Respondent suggests that Petitioner compare the design of the ‘Garden Organics’ logo as presented on pages 22 and 45 of this catalog with the design of the ‘Garden Organics’ logo as presented on the back cover of the Arena Roses 2004 catalog (previously referenced herein as Item 3). Such a comparison demonstrates that the mark has not been changed or altered.

7. All documents relating or referring to any trademark search which refers to any mark consisting in whole or in part of "GARDEN ORGANICS".

RESPONDENT replies that he has not conducted a trademark search other than an informal query of the USPTO TESS online system. No hardcopies of this informal query were kept. Respondent has not conducted any formal trademark search that refers to any mark consisting in whole or in part to 'Garden Organics'.

8. *All documents relating or referring to meetings, conversations, or correspondence respecting the right to use or any objection to the use of “GARDEN ORGANICS”.*

RESPONDENT replies that he possesses no documents relating or referring to meetings, conversations, or correspondence respecting the right to use or any objection to the use of ‘Garden Organics’ other than those he has received from or sent to Petitioner in relation to this matter.

9. *Any correspondence received addressing the issue of any right to use “GARDEN ORGANICS”.*

RESPONDENT replies that he does not recall receiving any correspondence that addresses the issue of any right to use ‘Garden Organics.’

10. *All documents which refer to Petitioner, Petitioner's corporation, Garden Organics, Inc., its products or services, its commercial activities, or its trade name, service marks, or trademarks.*

RESPONDENT replies that he possesses no documents which refer to Petitioner, Petitioner's corporation, Garden Organics, Inc., its products or services, its commercial activities, or its trade name, service marks or trademarks other than the correspondence received from or sent to Petitioner in relation to this matter or those documents from Petitioner's websites that have been cited by Respondent in his replies to the Admissions, Interrogatories and this Request for Documents. Further, Respondent does not recall receiving any documents in the past that satisfy the above requirements.

11. *All documents constituting, evidencing, or referring to meetings of those persons involved in the operation of Your business where Petitioner, Petitioner's goods or services, or Petitioner's trade name, service marks, or trademarks were addressed.*

RESPONDENT replies that Arena Roses was a small, family business that he operated with his wife. Subsequent to the closing of Arena Roses in May, 2006, he has continued to conduct his marketing of 'Garden Organics' products as a sole proprietor. He has no documents constituting, evidencing, or referring to meetings of those persons involved in the operation of his business where Petitioner, Petitioner's goods or services, or Petitioner's trade name, service marks, or trademarks were addressed.

12. *All documents relating or referring to any survey, poll, or reaction test or any other market research involving or regarding “GARDEN ORGANICS” or any other mark, name, or other term that includes “GARDEN ORGANICS”.*

RESPONDENT replies that he has no documents relating or referring to any survey, poll, or reaction test or any other market research involving or regarding “GARDEN ORGANICS” or any other mark, name, or other term that includes “GARDEN ORGANICS”.

13. *All documents evidencing, referring to, or relating to any mistake, deception, confusion, or uncertainty as to any affiliation, association, or relationship between Respondent and Petitioner or their respective trade names, service marks, trademarks, or their products, services, or commercial activities.*

RESPONDENT replies that he has no documents evidencing, referring to, or relating to any mistake, deception, confusion, or uncertainty as to any affiliation, association, or relationship between Respondent and Petitioner or their respective trade names, service marks, trademarks, or their products, services, or commercial activities – other than those already submitted in his responses to the Admissions, Interrogatories and this Request for Documents.

14. *All documents constituting, evidencing, or referring to Your proposed or actual long or short term business plans, including, but not limited to, documents constituting or referring to marketing plans, product or service line plans, expansion of product or service line plans, business operating plans, business forecasts, and financing plans.*

[Item 11] RESPONDENT is providing a copy of the January 23, 2007 email to Bill Mann at Star Roses which includes in part *“It occurred to me on the way home last night that there might be some money for both of us to make if Star were to market my line of Garden Organic® fertilizers... Norcal would be a good opportunity to test the waters for wider distribution in CA... Whole Foods would also be a perfect outlet for Rose Granola™ as well.”*

[Item 12] RESPONDENT is providing a copy of the January 23, 2007 email to Steve Bening which includes in part *“I’d like to get your thoughts on the market for organic fertilizers – particularly organic rose fertilizer – in the CA garden centers... Any thoughts that you might have on the potential or ways to market/distribute would be gratefully received.”*

[Item 13] RESPONDENT is providing a copy of the January 23, 2007 email from Steve Bening which includes in part *“I do have some ideas on this, as well as very good contacts (going up to ownership) with distribution companies.”*

[Item 14] RESPONDENT is providing a copy of the February 16, 2007 email from Steve Bening which includes in part *“Here are the products I think you should consider for possible distribution... Please send me a sample box, and at some point I will need to use the fertilizer on my roses, and have a few customers test it to get their feedback as well.”*

[Item 15] RESPONDENT is providing a copy of the February 17, 2007 email to Steve Bening which includes in part *“How many roses do you want to feed?... I’ll pick up enough 50 lb. bags to get you covered for the spring.”* Also attached to the email was a PDF of the info sheet for ‘Garden Organics’ products.

[Item 16] RESPONDENT is providing a copy of the February 17, 2007 email to Steve Bening which states *“Forgot to include the link to BioFlora / Global Organics. They are located in Goodyear, AZ. Not too far from the vicinity of all the Phx rose growers. My relationship with the company is through Mike Lindsey, their Director of Research & Product Development. I will talk to Mike next week and ask which of their products would easily slide into the list that you sent.”*

15. Documents sufficient to show the qualifications and experience of any expert witness retained by You for this lawsuit.

RESPONDENT replies that the expert witnesses he has cited will testify on their involvement with the Respondent as described in Response To First Set of Interrogatories. Their qualifications and experience are based on the fact that they had direct conversations with Respondent on the matters cited and that they have years of employment in their respective fields.

16. *All publications authorized by any such expert witness, and all treatises, learned texts, and any such documents upon which the expert witness would testify.*

RESPONDENT replies that he has no such publications.

17. *All documents reviewed or created by such expert relating to the subject matter of this action.*

RESPONDENT replies that he has no such publications.

18. *All written communications which relate or refer to the instant action.*

RESPONDENT replies that he has provided copies of all written communications which relate or refer to the instant action as part of his other responses to the Admissions, Interrogatories and this Request for Documents.

19. *All agreements pursuant to which persons, companies, or other entities are allowed by You to use “GARDEN ORGANICS”.*

RESPONDENT replies that he has not entered into agreements pursuant to which persons, companies, or other entities are allowed to use “GARDEN ORGANICS” – outside of the current marketing by Edmunds’ Roses as described elsewhere in these responses.

20. All documents evidencing, or referring or relating to, any transfer of ownership from or to You or any licensing by or to You of "GARDEN ORGANICS".

RESPONDENT replies that he not transferred ownership of the mark 'Garden Organics' from or to him nor has the mark been licensed by or to him. Therefore, he has no documents evidencing, or referring or relating to, any transfer of ownership from or to him or any licensing by or to him of "GARDEN ORGANICS".

21. *Your articles of incorporation, if any, and any amendments thereto, if any.*

RESPONDENT replies that he is not an incorporated entity. As evidenced on his application for the mark (item 4), the Respondent is an individual and the mark is his personal property.

22. *Representative samples of Your advertising, promotional, and marketing materials sufficient to show every manner in which You use “GARDEN ORGANICS” and any mark, name, or other term incorporating “GARDEN ORGANICS”, including, without limitation, catalogs, circulars, leaflets, direct mail pieces, brochures, videotapes, point of sale pieces, newspaper and magazine advertisements and articles, and any other materials used by You or on Your behalf bearing or identified by the marks.*

RESPONDENT has provided the following with this response:

[Item 3] Respondent has provided a copy of the Arena Roses 2004 catalog in his response to #3 above.

[Item 8] Respondent has provided a copy of the Edmunds’ Roses catalog for spring 2008 in his response to #6 above.

[Item 17] Respondent is providing a copy of Arena Roses mailorder catalog for spring 2005 – published November 2004 and refers Petitioner to page 48 for the reference to “Garden Organics’ products.

[Item 18] Respondent is providing a copy of the product sheet that was included with shipments of ‘Garden Organics’ products from Arena Roses

[Item 19] Respondent is providing copies of labels for various ‘Garden Organics’ products sold through Arena Roses

23. Samples of each and every business form, letterhead, and business card used by You in connection with “GARDEN ORGANICS” or any other name or mark that includes “GARDEN ORGANICS”.

RESPONDENT replies that he has no business form, letterhead or business card used in connection with ‘Garden Organics’ or any other name or mark that specifically includes ‘Garden Organics’

24. *Representative samples of all telephone book advertisements and listings placed with respect to “GARDEN ORGANICS” or any other names or marks including “GARDEN ORGANICS”.*

RESPONDENT replies that he has not taken out telephone book advertisements or placed listings that specifically refer to ‘Garden Organics’ or any other names or marks including ‘Garden Organics’.

25. All documents relating to any and all radio or television advertising spots placed with respect to “GARDEN ORGANICS” or any other names or marks including “GARDEN ORGANICS”.

RESPONDENT replies that Arena Roses seasonally advertised on KPRL, a small AM radio station in Paso Robles, California. He does not recall that these advertisements mentioned ‘Garden Organics’.

26. *All documents evidencing or referring to Your participation in or attendance at trade shows.*

[Item 20] Respondent is providing copies of the Application for Exhibit Space and stub for check #1921 relating to the Sunset Celebration Weekend – 2004.

[Item 21] Respondent is providing copies of stubs for checks #2292 and #1829 for the 2004 San Francisco Flower & Garden Show

27. Documents sufficient to show the monthly, quarterly, and annual gross revenues earned by You in connection with the use of “GARDEN ORGANICS” and any other names or marks including “GARDEN ORGANICS”.

RESPONDENT replies, as stated in the Response to First Set of Interrogatories, poor filing practices have prevented Respondent from retrieving several relevant documents put into storage after the closing of Arena Roses in May, 2006. Among these would be specific sales records for ‘Garden Organics’ products from November 2003 to May 2006. Respondent is endeavoring to retrieve this information. A good-faith estimate was provided by Respondent in his response to interrogatories.

28. *Documents sufficient to show separately the monthly, quarterly, and annual amounts that have been spent on advertising with respect to “GARDEN ORGANICS” and any other names or marks including “GARDEN ORGANICS”.*

RESPONDENT replies, as indicated in his response to interrogatories, that the nature of mail order marketing and web marketing makes it difficult to show separately the monthly, quarterly, and annual amounts that have been spent on advertising with respect to “GARDEN ORGANICS” and any other names or marks including “GARDEN ORGANICS”. The promotion of these products occurred alongside that of 100-200 other products.

29. *Documents sufficient to show the channels of trade in which You sell or offer for sale goods or services under or in connection with “GARDEN ORGANICS”.*

RESPONDENT replies that he has provided relevant documents as part of his response to requests #22 and #26 above.

30. *Documents sufficient to show the manner in which You sell Your products, including whether You sell products at wholesale or retail, the type of customers that purchase Your products, and the level of sophistication of those customers.*

RESPONDENT replies that he has provided relevant documents as part of his response to requests #22 and #26 above and #40 below.

31. *Documents sufficient to show the identity of Your wholesale customers of each year for the last five years.*

RESPONDENT replies that he has provided these documents as part of his response to requests #22 above and #40 below. Namely, Arena Roses for 2003-2006 and Edmunds' Roses for 2007-present.

32. All documents evidencing, referring to, or relating to the adoption and/or use of “GARDEN ORGANICS” by anyone for any purpose, including without limitation all lists of third persons who use “GARDEN ORGANICS” as part of any trade name, service mark, or trademark.

RESPONDENT replies that outside of his uses as documented herein, those evidenced on the Petitioner’s websites and those of Edmunds’ Roses in their catalog and website, he has no awareness of or documents evidencing, referring to, or relating to the adoption and/or use of “GARDEN ORGANICS” by anyone for any purpose, including without limitation all lists of third persons who use “GARDEN ORGANICS” as part of any trade name, service mark, or trademark.

33. All documents evidencing, referring to, or relating to any demand by or against You that any person or entity cease using “GARDEN ORGANICS” or any mark or name similar to “GARDEN ORGANICS”.

RESPONDENT replies that other than the matters described herein between the Respondent and Petitioner, he has no documents evidencing, referring to, or relating to any demand by or against him that any person or entity cease using ‘GARDEN ORGANICS’ or any mark or name similar to ‘GARDEN ORGANICS’

34. All documents evidencing, referring to, or relating to any judicial or administrative proceeding that involved any right You may have or claim with respect to "GARDEN ORGANICS", including without limitation proceedings before any federal, state, or foreign court or administrative body in which You claimed legal rights in "GARDEN ORGANICS".

RESPONDENT replies that other than the matters described herein between the Respondent and Petitioner, he has no documents evidencing, referring to, or relating to any judicial or administrative proceeding that involved any right he may have or claim with respect to "GARDEN ORGANICS", including without limitation proceedings before any federal, state, or foreign court or administrative body in which he claimed legal rights in "GARDEN ORGANICS".

35. All documents evidencing, referring to, or relating to any settlement or other resolution of any claim made by or against You with respect to the right to adopt or use of “GARDEN ORGANICS” or any mark or name similar to “GARDEN ORGANICS”.

RESPONDENT replies that he has no documents evidencing, referring to, or relating to any settlement or other resolution of any claim made by or against him with respect to the right to adopt or use of “GARDEN ORGANICS” or any mark or name similar to “GARDEN ORGANICS”.

36. *All documents which support any claim asserted by You in this action.*

RESPONDENT replies that he has provided all documents which support his claims and assertions in this matter as part of his other responses to the Admissions, the Interrogatories and this Request for Documents – with the exception of those that Respondent he has indicated he has not been able to locate in storage relating to sales figures.

37. All documents upon which You intend to rely upon in connection with this action.

RESPONDENT replies that to the best of his knowledge and foresight he has provided all documents upon which he intends to rely in this matter as part of his responses to this Request, the Interrogatories and the Admissions – with the exception of those that Respondent he has indicated he has not been able to locate in storage relating to sales figures.

38. *All documents that relate to the operation of your former business conducted under the name “Arena Roses”.*

RESPONDENT replies that he is not willing to reply as requested due to the nature of this specific request as being burdensome and overbroad. The Respondent has acknowledged that Arena Roses ceased operations in May, 2006. He has provided samples of marketing materials used by Arena Roses to sell ‘Garden Organics’ products. He had given good-faith estimates of gross revenues for the sale of ‘Garden Organics’ products by Arena Roses – in the absence of being able to locate specific documents in storage. As evidenced by the copies of the mail order catalogs supplied herein, Arena Roses was a marketer of a diverse range of garden roses and other garden items. The marketing of ‘Garden Organics’ products was but a fraction of the company’s affairs. Adequate documentation to the specific requests of the Petitioner has been given elsewhere. Again, Respondent argues that this request is burdensome and overbroad.

39. *All documents or contracts relating to the closing of operations of your former business conducted under the name "Arena Roses".*

RESPONDENT replies that he has previously acknowledged that Arena Roses ceased operations on or about May 31, 2006. There is no formal documentation that relates to the closing of the business. The landlord found a tenant (who wanted to expend his operation from next door). Respondent liquidated the inventory during the final weeks of operation. He vacated the premises and had the utilities turned off. It was not an elaborate affair. [Item 22] Respondent is providing the mailer sent out in May, 2006 advertising the closing of the garden center.

40. All documents that relate to the manner in which You may present the name of your business, including all correspondence and contracts with Edmunds' Roses, 335 S. High Street, Randolph, WI 53956.

RESPONDENT has provided the following with this response:

[Item 23] Respondent is providing a copy of the September 20, 2007 email to Dotti Schultz at JW Jung Seed / Edmunds' Roses which states in part *"A few years ago I developed an organic fertilizer line under the label Garden Organics® (which is now a federally registered trademark that I own)."*

[Item 24] Respondent is providing a copy of the September 20, 2007 email from Dotti Schultz at JW Jung Seed / Edmunds' Roses which states in part *"I love your Rose Granola idea. I wish I had known about it a week ago as I would have jumped at the idea..."*

[Item 25] Respondent is providing a copy of the September 24, 2007 email to Dotti Schultz at JW Jung Seed / Edmunds' Roses which states in part *"I'd like to pitch my Rose Granola one last time..."*

[Item 26] Respondent is providing a copy of the September 24, 2007 email from Dotti Schultz at JW Jung Seed / Edmunds' Roses which states in part *"I talked to Dick about this and we think it will be fine to offer the Rose Granola in the catalog..."*

[Item 27] Respondent is providing a copy of the September 25, 2007 email from Dotti Schultz at JW Jung Seed / Edmunds' Roses which states in part *"If this goes as well as I think it will, maybe we can consider offering it in 2009 as a bonus with the purchase of 12 roses..."*

[Item 28] Respondent is providing a copy of the November 5, 2007 email from Dotti Schultz at JW Jung Seed / Edmunds' Roses which states in part *"I was asked by our hard goods buyer for the pricing and shipping details on the Rose Granola. I tried to find it among the myriad email we had back and forth, but it's well hidden. Could you work directly with Tom McAnly on this?"*

[Item 29] Respondent is providing a copy of the November 26, 2007 email from Dotti Schultz at JW Jung Seed / Edmunds' Roses which states in part *"Could you email our buyer, Tom McAnly, pricing information, etc. on the Rose Granola or give him a call? We'll have rose trucks coming in soon so would like to get some product lined up to include on one of them"*

[Item 30] Respondent is providing a copy of the November 26, 2007 email to Tom McAnly at JW Jung Seed / Edmunds' Roses which states in part *"The pricing that I quoted her on Oct. 1 is..."*

[Item 31] Respondent is providing a copy of the November 26, 2007 email from Tom McAnly at JW Jung Seed / Edmunds' Roses which states in part *"Please send 96 – 5 pound bags on the Star Rose Truk..."*

[Item 32] Respondent is providing a copy of the January 9, 2008 email from Tom McAnly at JW Jung Seed / Edmunds' Roses which states in part *"Our roses from Star Roses are being picked up this week. Please send our Rose Granola with this shipment."*

[Item 33] Respondent is providing a copy of the January 22, 2008 mail from Tom McAnly at JW Jung Seed / Edmunds' Roses which states in part *"The star roses arrived today without the Rose Granola included with the shipment. Please let me know the status of our order."*

[Item 33] Respondent is providing a copy of the January 22, 2008 mail from Tom McAnly at JW Jung Seed / Edmunds' Roses which states in part *"The star roses arrived today without the Rose Granola included with the shipment. Please let me know the status of our order."*

[Item 34] Respondent is providing a copy of the January 30, 2008 mail to Tom McAnly at JW Jung Seed / Edmunds' Roses which states in part "*I apologize for missing the first truck. I confirmed with Star that the backordered portion of your rose order will ship next week. I will see that the Rose Granola is loaded onto that shipment.*"

[Item 35] Respondent is providing a copy of the February 12, 2008 invoice from Syl Arena to JW Jung Seed Co. for the shipment of 96 6lb. bags of Garden Organics® Rose Granola™.

[Item 36] Respondent is providing a copy of the March 5, 2008 mail from Tom McAnly at JW Jung Seed / Edmunds' Roses which states in part "*Please Ship 100 each 5 pound bags of Rose Granola Organic Fertilizer...*" Respondent wishes to confirm that this is the second order from Edmunds' Roses.

-END-

CERTIFICATE OF SERVICE AND MAILING

It is hereby certified that a copy of the foregoing ANSWER TO PETITIONER'S FIRST SET OF INTERROGATORIES is being deposited with the United States Postal Service, first-class postage prepaid, in an envelope addressed to:

Don Thornburgh Law Corporation
Don Thornburgh, Esq.
466 Foothill Boulevard, Suite 220
La Cañada Flintridge, California 91011

Executed this 28th day of March, 2008, at Paso Robles, California.

A handwritten signature in black ink, appearing to read 'Sylvester Arena', followed by a horizontal line.

Sylvester Arena
2070 West Highway 46
Paso Robles, California 93446